

1 HONORABLE RICHARD A. JONES
2 HONORABLE THERESA L. FRICKE
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 DANA MCARTHUR, as Personal
10 Representative of the ESTATES of ANDREA
11 MCARTHUR and RACHEL MCARTHUR,
12 and as ANDREA MCARTHUR and RACHEL
13 MCARTHUR's Wrongful Death Beneficiary;
14 COLLIN KOMPLIN, as Personal
15 Representative of the ESTATE OF
16 JACQUELYN KOMPLIN, and ERIN
17 KOMPLIN and COLLIN KOMPLIN as
18 JACQUELYN KOMPLIN's Wrongful Death
19 Beneficiaries; GERALD L. FULLER as
20 Personal Representative of the Estate of
JANET G. KROLL, and GERALD L.
FULLER and WENDY CAVALLI, as JANET
G. KROLL's Wrongful Death Beneficiaries,

Case No.: 2:22-cv-01071-RAJ-TLF
ORDER ON PLAINTIFFS' MOTION
TO SEAL, DKT. 122 AND 127

Plaintiffs,

v.

HOLLAND AMERICA LINE, INC.;
HOLLAND AMERICA LINE N.V., LLC,
doing business as HOLLAND AMERICA
LINE N.V.; HAL ANTILLEN N.V.,

Defendants.

This matter came before the Court on Defendants Holland America Line, Inc., Holland
America Line N.V., LLC, doing business as Holland America Line N.V., and HAL Antillen N.V.'s

1 ("Holland America Defendants") Motion for Summary Judgment. The Court having reviewed the
2 files and records herein and being otherwise advised, including the following:

3 1. Plaintiffs' Motion to Seal Exhibit Nos. 1-3, 81 to the Declaration of James S.
4 Rogers in Opposition to Holland America Defendants' Motion for Summary Judgment;

5 2. Declaration of Heather M. Cover in Support of Plaintiffs' Motion to Seal Exhibits
6 Nos. 1-3, 81 to the Declaration of James S. Rogers in Opposition to Holland America Defendants'
7 Motion for Summary Judgment;

8 3. Plaintiffs' Errata to Their Motion to Seal and Supporting Declaration;

9 4. Defendants' Response to Plaintiffs' Motion to Seal Exhibits to the Declaration of
10 James S. Rogers in Opposition to Holland America Defendants' Motion for Summary Judgment;

11 5. Declaration of Jessica A. Ashe re Holland America Defendants' Response to
12 Motion to Seal;

13 6. Declaration of Jennifer Miller Re Holland America Defendants' Response to
14 Motion to Seal;

15 7. Declaration of Karen Reich Re Holland America Defendants' Response to Motion
16 to Seal;

17 8. Declaration of Caryn Geraghty Jorgensen Re Holland America Defendants'
18 Response to Motion to Seal;

19 9. Plaintiffs' Reply Re Motion to Seal, if any, including any declarations;

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1 NOW THEREFORE, IT IS HEREBY ORDERED THAT the Plaintiffs' Motion to Seal is
 2 GRANTED as follows:

3 **Based on the testimony in the Declaration of Karen Reich:**

4 ECF No.	5 Document(s) to be Sealed	6 Ruling	7 Reasoning
121-1	Ex. 1 to Response Declaration of James Rogers (<u>Reich deposition excerpt: 102:6-105:25</u>)		Internal executive-level discussion evaluating risks and formulating strategic plans to address HAL Shore Excursion air tour safety.
121-18	Ex. 18 to Response Declaration of James Rogers (<u>HAL 120278-279</u>)		Internal HAL executive-level discussion of an air tour accident involving an air carrier which sold tours through Holland America's Shore Excursion program.
121-37	Ex. 38 to Response Declaration of James Rogers (<u>HAL 100294-295</u>)		Internal HAL executive-level discussion evaluating risks and formulating strategic plans related to HAL's Shore Excursion air tour safety.
121-48	Ex. 50 to Response Declaration of James Rogers (<u>HAL 107928-930</u>)		Internal HAL executive-level discussion related to the post-accident evaluation of a HAL Shore Excursion air tour operator and the decision-making process regarding reinstatement of associated HAL Shore Excursions.
121-53	Ex. 55 to Response Declaration of James Rogers (<u>HAL 100278-284</u>)		Internal HAL executive-level discussion related to minimum insurance requirements and revenues associated with HAL's Shore Excursion program policy.

1 **Based on the testimony in the Declaration of Jessica Ashe:**

2 ECF No.	3 Document(s) to be Sealed	4 Ruling	5 Reasoning
6 121-3	7 Ex. 3 to Response Declaration 8 of James Rogers (<u>Ashe</u> 9 deposition excerpt: 57:7- 10 66:19)	11	12 Testimony re strategic 13 marketing programs intended 14 to increase Shore Excursion 15 revenue for HAL in Alaska.
16 121-6	17 Ex. 6 to Response Declaration 18 of James Rogers 19 (<u>HAL_105611</u>)	20	21 Internal discussions of 22 strategic marketing programs 23 intended to increase Shore 24 Excursion revenue for HAL in Alaska.
25 121-7	26 Ex. 7 to Response Declaration 27 of James Rogers 28 (<u>HAL_105653</u>)	29	30 Internal discussions of 31 strategic marketing programs 32 intended to increase Shore 33 Excursion revenue for HAL in Alaska.
34 121-9	35 Ex. 9 to Response Declaration 36 of James Rogers 37 (<u>HAL_107106-113</u>)	38	39 Internal discussions of 40 strategic marketing programs 41 intended to increase Shore 42 Excursion revenue for HAL in Alaska.
43 121-8	44 Ex. 8 to Response Declaration 45 of James Rogers 46 (<u>HAL_105816-836</u>)	47	48 Internal discussion of strategic 49 marketing programs intended 50 to increase Shore Excursion 51 revenue for HAL in Alaska. 52 This document also contains 53 confidential sales and financial 54 data for tours in Alaska.
55 121-64	56 Ex. 66 to Response 57 Declaration of James Rogers 58 (<u>HAL_111399</u>)	59	60 Description of the agenda for 61 an internal meeting regarding 62 an update of HAL's website at 63 the direction of HAL legal counsel.
64 121-65	65 Ex. 67 (excerpts) to Response 66 Declaration of James Rogers 67 (<u>HAL_103176-177</u>)	68	69 Internal discussion of HAL's 70 strategic marketing decisions 71 related to tour offerings in 72 Alaska.

Based on the testimony in the Declaration of Jennifer Miller:

ECF No.	Document(s) to be Sealed	Ruling	Reasoning
121-2	Ex. 2 to Response Declaration of James Rogers (<u>Miller deposition excerpt: 72:1-25</u>)		Testimony re strategic internal discussion of Holland America's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-2	Ex. 2 to Response Declaration of James Rogers (<u>Miller deposition excerpt: 185:10-186:16</u>)		Testimony re strategic internal discussion detailing Holland America's decision making process of evaluating reinstatement of a shore excursion for risk, revenue, and insurance requirements.
121-2	Ex. 2 to Response Declaration of James Rogers (<u>Miller deposition excerpt: 206:18-208:14</u>)		Testimony re internal discussion related to Holland America's decision making regarding sales of shore excursions in future years.
121-81	Ex. 81 to Response Declaration of James Rogers (<u>Vlad deposition excerpt: 40:22-42:5</u>)		Testimony re HAL internal strategic communications related to decision making concerning tour cancellation and guest communications arising from an air tour accident.
121-25	Ex. 26 to Response Declaration of James Rogers (<u>HAL_111243-244</u>)		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-42	Ex. 43 to Response Declaration of James Rogers (<u>HAL_111036-038</u>)		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.

ECF No.	Document(s) to be Sealed	Ruling	Reasoning
121-74	Ex. 76 to Response Declaration of James Rogers (<u>HAL_109231-232</u>)		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-75	Ex. 77 to Response Declaration of James Rogers (<u>HAL_121035-036</u>)		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-77	Ex. 79 to Response Declaration of James Rogers (<u>HAL_123750</u>)		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-78	Ex. 80 to Response Declaration of James Rogers (<u>HAL_119941-942</u>)		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-81	Ex. 83 to Response Declaration of James Rogers (<u>HAL_109173-176</u>)		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-55	Ex. 57 to Response Declaration of James Rogers (<u>HAL_117086-091</u>)		Strategic internal discussions detailing HAL's decision making process of evaluating reinstatement of a HAL Shore Excursion as relates to risk, revenue, and insurance requirements.

ECF No.	Document(s) to be Sealed	Ruling	Reasoning
121-56	Ex. 58 to Response Declaration of James Rogers <u>(HAL_117077-080)</u>		Strategic internal discussions detailing HAL's decision making process of evaluating reinstatement of a HAL Shore Excursion as relates to risk, revenue, and insurance requirements.
121-57	Ex. 59 to Response Declaration of James Rogers <u>(HAL_110590-591)</u>		Strategic internal discussions detailing HAL's decision making process of evaluating reinstatement of a HAL Shore Excursion as relates to risk, revenue, and insurance requirements.
121-92	Ex. 94 to Response Declaration of James Rogers <u>(HAL_112790-791)</u>		Strategic internal discussions detailing HAL's decision making process of evaluating reinstatement of a HAL Shore Excursion as relates to risk, revenue, and insurance requirements.
121-60	Ex. 62 to Response Declaration of James Rogers <u>(HAL_123653)</u>		Internal discussion related to HAL's strategic decision making regarding sales of shore excursions in future years.
121-84	Ex. 86 to Response Declaration of James Rogers <u>(HAL_116035-37)</u>		Contains HAL sales and revenue data for various Alaska Shore Excursion program offerings.

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21 Dated this 6th day of January 2025.

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23 Theresa L. Fricke
United States Magistrate Judge
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